

OPTIS.039A

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE



Applicant	:	Bernhard B. Sterling et al.
Appl. No.	:	10/055,875
Filed	:	January 21, 2002
For	:	REAGENT-LESS WHOLE- BLOOD GLUCOSE METER
Examiner	:	Roy Punnoose
Art Unit	:	2877

STATEMENT OF HEIDI M. SMITH

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

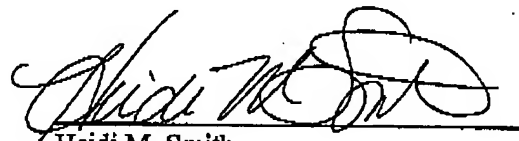
I, Heidi M. Smith, declare as follows:

1. I am a citizen of the United States residing at 32931 Monrovia Street, Union City, CA 94587.
2. I understand that the above-referenced patent application was filed on January 21, 2002, with a Declaration signed by the following persons who were identified as inventors of the subject matter claimed in the patent application: Bernhard B. Sterling, Philip C. Hartstein, Kenneth I. Li, Mark D. Agostino, David C. Klonoff, Robert D. Gaffney, Peng Zheng, Jennifer H. Gable, Kenneth G. Witte, Heidi M. Smith, Jane J. Sheill, Mike A. Munrow, W. Dale Hall, Daniel S. Goldberger, Martin J. Fennell, Julian M. Cortella, James R. Braig, and Peter Rule.
3. I believe that I, Heidi M. Smith, should not be named as an inventor in the above-referenced patent application.
4. The inventorship error occurred without deceptive intention on my part.

Appl. No. : 10/055,875  
Filed : January 21, 2002

I declare that all statements made herein of my own knowledge are true; and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful, false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful, false statements may jeopardize the validity of the application or document, or any registration resulting therefrom.

Dated: 12/24/03

  
Heidi M. Smith

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120303

OPTIS.039A

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant	:	Bernhard B. Sterling et al.
Appl. No.	:	10/055,875
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Examiner	:	Roy Punnoose
Art Unit	:	2877

STATEMENT OF JANE J. SHEILL

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

I, Jane J. Sheill, declare as follows:

1. I am a citizen of the United States residing at 8070 Mandarin Avenue, Newark, CA 94560.
2. I understand that the above-referenced patent application was filed on January 21, 2002, with a Declaration signed by the following persons who were identified as inventors of the subject matter claimed in the patent application: Bernhard B. Sterling, Philip C. Hartstein, Kenneth I. Li, Mark D. Agostino, David C. Klonoff, Robert D. Gaffney, Peng Zheng, Jennifer H. Gable, Kenneth G. Witte, Heidi M. Smith, Jane J. Sheill, Mike A. Munrow, W. Dale Hall, Daniel S. Goldberger, Martin J. Fennell, Julian M. Cortella, James R. Braig, and Peter Rule.
3. I believe that I, Jane J. Sheill, should not be named as an inventor in the above-referenced patent application.
4. The inventorship error occurred without deceptive intention on my part.

Appl. No. : 10/055,875  
Filed : January 21, 2002

I declare that all statements made herein of my own knowledge are true, and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful, false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful, false statements may jeopardize the validity of the application or document, or any registration resulting therefrom.

Dated: 12/24/03

Jane Sheill  
Jane J. Sheill

HADOCS\MIK\MIK-6696.DOC  
120303

OPTIS.039A

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE



Applicant	:	Bernhard B. Sterling et al.
Appl. No.	:	10/055,875
Filed	:	January 21, 2002
For	:	REAGENT-LESS WHOLE- BLOOD GLUCOSE METER
Examiner	:	Roy Punnoose
Art Unit	:	2877

STATEMENT OF MARTIN J. FENNELL

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:


I, Martin J. Fennell, declare as follows:

1. I am a citizen of the United Kingdom residing at 4832 Springwood Circle, Fairfield, CA 94585.
2. I understand that the above-referenced patent application was filed on January 21, 2002, with a Declaration signed by the following persons who were identified as inventors of the subject matter claimed in the patent application: Bernhard B. Sterling, Philip C. Hartstein, Kenneth I. Li, Mark D. Agostino, David C. Klonoff, Robert D. Gaffney, Peng Zheng, Jennifer H. Gable, Kenneth G. Witte, Heidi M. Smith, Jane J. Sheill, Mike A. Munrow, W. Dale Hall, Daniel S. Goldberger, Martin J. Fennell, Julian M. Cortella, James R. Braig, and Peter Rule.
3. I believe that I, Martin J. Fennell, should not be named as an inventor in the above-referenced patent application.
4. The inventorship error occurred without deceptive intention on my part.

Appl. No. : 10/055,875  
Filed : January 21, 2002

I declare that all statements made herein of my own knowledge are true, and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful, false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful, false statements may jeopardize the validity of the application or document, or any registration resulting therefrom.

Dated: 1/04/04

  
\_\_\_\_\_  
Martin J. Fennell

H:\DOCS\MIJ\MIJ-6697.DOC  
120303

OPTIS.039A

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE



Applicant	:	Bernhard B. Sterling et al.
Appl. No.	:	10/055,875
Filed	:	January 21, 2002
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Examiner	:	Roy Punnoose
Art Unit	:	2877

ESTABLISHMENT OF RIGHT OF ASSIGNEE TO TAKE ACTION  
AND CONSENT OF ASSIGNEE UNDER 37 C.F.R. § 1.48

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

The undersigned is empowered to act on behalf of the assignee below (the "Assignee"). A copy of the original Assignment (not yet recorded) is attached hereto. The Assignment represents the entire chain of title of this invention from the Inventors to the Assignee.

I declare that all statements made herein are true, and that all statements made upon information and belief are believed to be true, and further, that these statements were made with the knowledge that willful, false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. § 1001, and that willful, false statements may jeopardize the validity of the application, or any patent issuing thereon.

Appl. No. : 10/055,875  
Filed : January 21, 2002

The undersigned hereby consents to a change in inventorship deleting Heidi M. Smith, Jane J. Sheill and Martin J. Fennell from the above-captioned patent application.

Please use Customer No. 20,995 for all communications.

OPTISCAN BIOMEDICAL CORPORATION

Dated: 1-14-2004

By:   
James R. Braig

Title: Chief Technical Officer

Address: 1105 Atlantic Ave.  
Suite 101  
Alameda, CA 94501

H:\DOCS\MJK\MJK-6693.DOC  
120303

ASSIGNMENT

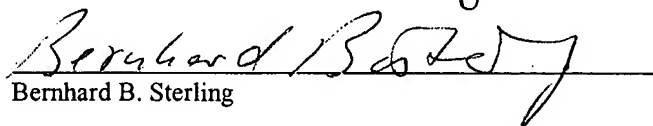
WHEREAS, We, **Bernhard B. Sterling**, a U.S. citizen, residing at 882 El Pintado Road, Sunnyvale, CA 94086; **Philip C. Hartstein**, a U.S. citizen, residing at 21076 Grenola Drive, Cupertino, CA 95014; **Kenneth I. Li**, a U.S. citizen, residing at 53 Calvert Court, Piedmont, CA 94611; **Mark D. Agostino**, a U.S. citizen, residing at 2041 Alameda Ave., #3, Alameda, CA 94501; **David C. Klonoff**, a U.S. citizen, residing at 2958 Arguello Drive, Burlingame, CA 94010; **Robert D. Gaffney**, a U.S. citizen, residing at 11 Irving Avenue, Atherton, CA 94027; **Peng Zheng**, a U.S. citizen, residing at 15 Souza Court, Alameda, CA 94502; **Jennifer H. Gable**, a U.S. citizen, residing at 2204 LaSalle Drive, Walnut Creek, CA 94598; **Kenneth G. Witte**, a U.S. citizen, residing at 1547 Petersen Avenue, San Jose, CA 95129; **Mike A. Munrow**, a U.S. citizen, residing at 2718 Belmont Canyon Road, Belmont, CA 94002; **W. Dale Hall**, a U.S. citizen, residing at 432 Hudson Street, Oakland, CA 94618; **Daniel S. Goldberger**, a U.S. citizen, residing at 644 College Avenue, Boulder, CO 80302; **Julian M. Cortella**, a U.S. citizen, residing at 3826 Alameda De Las Pulgas, Menlo Park, CA 94025; **James R. Braig**, a U.S. citizen, residing at 280 Mountain Avenue, Piedmont, CA 94611; and **Peter Rule**, a U.S. citizen, residing at 24183 Hillview Road, Los Altos Hills, CA 94024, have invented certain new and useful improvements in a **REAGENT-LESS WHOLE-BLOOD GLUCOSE METER** for which we have filed an application for Letters Patent in the United States, Application No. 10/055,875, Filed on January 21, 2002;

AND WHEREAS, OPTISCAN BIOMEDICAL CORPORATION (hereinafter "ASSIGNEE"), a California Corporation, with its principal place of business at 1105 Atlantic Avenue, Suite 101, Alameda, CA 94501, desires to acquire the entire right, title, and interest in and to the said improvements and the said Application:

NOW, THEREFORE, in consideration of the sum of One Dollar (\$1.00) to me in hand paid, and other good and valuable consideration, the receipt of which is hereby acknowledged, we, the said inventors, do hereby acknowledge that we have sold, assigned, transferred and set over, and by these presents do hereby sell, assign, transfer and set over, unto the said ASSIGNEE, its successors, legal representatives and assigns, the entire right, title, and interest throughout the world in, to and under the said improvements, and the said application and all provisional applications relating thereto, and all divisions, renewals and continuations thereof, and all Letters Patent of the United States which may be granted thereon and all reissues and extensions thereof, and all rights of priority under International Conventions and applications for Letters Patent which may hereafter be filed for said improvements in any country or countries foreign to the United States, and all Letters Patent which may be granted for said improvements in any country or countries foreign to the United States and all extensions, renewals and reissues thereof; and we hereby authorize and request the Commissioner of Patents of the United States, and any Official of any country or countries foreign to the United States, whose duty it is to issue patents on applications as aforesaid, to issue all Letters Patent for said improvements to the said ASSIGNEE, its successors, legal representatives and assigns, in accordance with the terms of this instrument.

AND WE HEREBY covenant and agree that we will communicate to the said ASSIGNEE, its successors, legal representatives and assigns, any facts known to us respecting said improvements, and testify in any legal proceeding, sign all lawful papers, execute all divisional, continuing and reissue applications, make all rightful oaths and generally do everything possible to aid the said ASSIGNEE, its successors, legal representatives and assigns, to obtain and enforce proper patent protection for said improvements in all countries.

IN TESTIMONY WHEREOF, I hereunto set my hand and seal this 16<sup>th</sup> day of January, 2004

  
Bernhard B. Sterling

STATE OF California }  
COUNTY OF Alameda } ss.

On Jan. 16, 2004, before me, Michele Laubach, personally appeared Bernhard B. Sterling personally known to me (or ~~proved to me on the basis of satisfactory evidence~~) to be the person whose name is subscribed

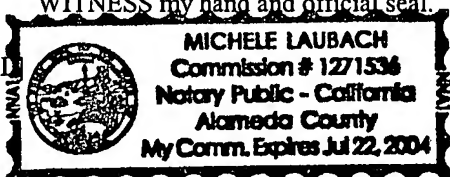
Application No.: 10/055,875  
Filing Date: January 21, 2002

PATENT  
Client Code: OPTIS.039A  
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to the within instrument, and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.

[SEAL]

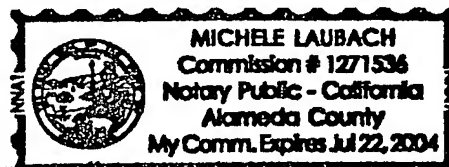


Michele Laubach  
Notary Signature

IN TESTIMONY WHEREOF, I hereunto set my hand and seal this 16<sup>th</sup> day of Jan., 2004

Philip C. Hartstein  
Philip C. Hartstein

STATE OF California }  
COUNTY OF Alameda } ss.



On Jan. 16, 2004, before me, Michele Laubach, personally appeared Philip C. Hartstein personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.

[SEAL]

Michele Laubach  
Notary Signature

IN TESTIMONY WHEREOF, I hereunto set my hand and seal this 16<sup>th</sup> day of January, 2004

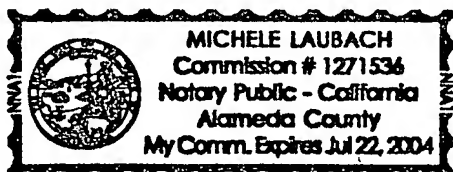
Kenneth I. Li  
Kenneth I. Li

STATE OF California }  
COUNTY OF Alameda } ss.

On Jan. 16, 2004, before me, Michele Laubach, personally appeared Kenneth I. Li personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.

[SEAL]

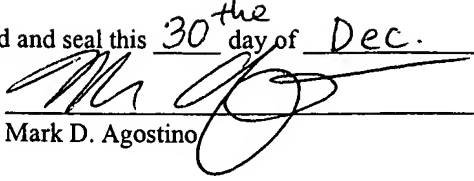


Michele Laubach  
Notary Signature

Application No.: 10/055,875  
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PATENT  
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IN TESTIMONY WHEREOF, I hereunto set my hand and seal this 30<sup>th</sup> day of Dec., 2003

  
Mark D. Agostino

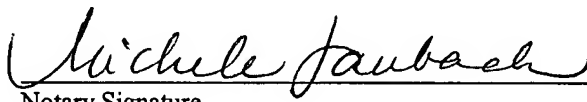
STATE OF California }  
COUNTY OF Alameda } ss.

On Dec. 30, 2003 before me, Michele Laubach, personally appeared Mark D. Agostino personally known to me (~~or proved to me on the basis of satisfactory evidence~~) to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.

[SEAL]



  
Notary Signature

Application No.: 10/055,875  
Filing Date: January 21, 2002

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IN TESTIMONY WHEREOF, I hereunto set my hand and seal this 10 day of JANUARY, 2004

David C. Klonoff 1/10/04  
David C. Klonoff

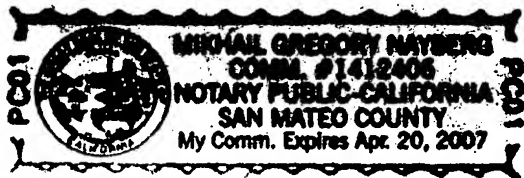
STATE OF CALIFORNIA }  
COUNTY OF SAN MATEO } ss.

On 01-10-2004, before me, MIKHAIL GREGORY NAYBERG, personally appeared David C. Klonoff personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.

[SEAL]

Mikhail Gregory Nayberg  
Notary Signature



Application No.: 10/055,875  
Filing Date: January 21, 2002

PATENT  
Client Code: OPTIS.039A  
Page 5 of 13

IN TESTIMONY WHEREOF, I hereunto set my hand and seal this 26 day of December, 2003

Robert D. Gaffney  
Robert D. Gaffney

STATE OF California }  
COUNTY OF Alameda } ss.

On Dec. 26, 2003, before me, Michele Laubach, personally appeared Robert D. Gaffney personally known to me (~~or proved to me on the basis of satisfactory evidence~~) to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.

[SEAL]



Michele Laubach  
Notary Signature

Application No.: 10/055,875  
Filing Date: January 21, 2002

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Client Code: OPTIS.039A  
Page 6 of 13

IN TESTIMONY WHEREOF, I hereunto set my hand and seal this 16<sup>th</sup> day of Jan., 2004

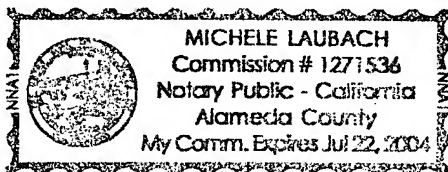
Peng Zheng  
Peng Zheng

STATE OF California }  
COUNTY OF Alameda } ss.

On Jan. 16, 2004 before me, Michele Laubach, personally appeared Peng Zheng personally known to me (~~or proved to me on the basis of satisfactory evidence~~) to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.

[SEAL]



Michele Laubach  
Notary Signature

Application No.: 10/055,875  
Filing Date: January 21, 2002

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IN TESTIMONY WHEREOF, I hereunto set my hand and seal this 15 day of Jan, 2004

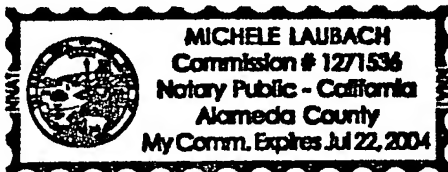
Jennifer H. Gable  
Jennifer H. Gable

STATE OF California }  
COUNTY OF Alameda } ss.

On Jan. 15, 2004, before me, Michele Laubach, personally appeared Jennifer H. Gable personally known to me (~~or proved to me on the basis of satisfactory evidence~~) to be the person whose name is subscribed to the within instrument, and acknowledged to me that she executed the same in her authorized capacity, and that by her signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.

[SEAL]



Michele Laubach  
Notary Signature

IN TESTIMONY WHEREOF, I hereunto set my hand and seal this

16 day of Jan, 2004

Kenneth G. Witte

STATE OF California }  
COUNTY OF Alameda } ss.



On Jan. 16, 2004, before me, Michele Laubach, personally appeared Kenneth G. Witte personally known to me (~~or proved to me on the basis of satisfactory evidence~~) to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.

[SEAL]

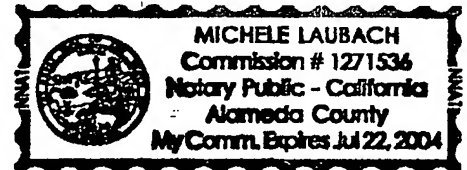
Michele Laubach  
Notary Signature

IN TESTIMONY WHEREOF, I hereunto set my hand and seal this

16th day of January, 2004

Mike A. Munrow

STATE OF California }  
COUNTY OF Alameda } ss.



On Jan. 16, 2004, before me, Michele Laubach, personally appeared Mike A Munrow personally known to me (~~or proved to me on the basis of satisfactory evidence~~) to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.

[SEAL]

Michele Laubach  
Notary Signature

IN TESTIMONY WHEREOF, I hereunto set my hand and seal this

16th day of January, 2004

W. Dale Hall

STATE OF California }  
COUNTY OF Alameda } ss.

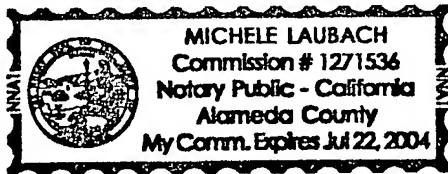
Application No.: 10/055,875  
Filing Date: January 21, 2002

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Page 9 of 13

On Jan. 16, 2004, before me, Michele Laubach, personally appeared W. Dale Hall personally known to me (~~or proved to me on the basis of satisfactory evidence~~) to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.

[SEAL]



Michele Laubach  
Notary Signature

Application No.: 10/055,875  
Filing Date: January 21, 2002

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IN TESTIMONY WHEREOF, I hereunto set my hand and seal this 5<sup>th</sup> day of January, 2004

Daniel S. Goldberger  
Daniel S. Goldberger

STATE OF California }  
COUNTY OF Alameda } ss.

On Jan. 5, 2004, before me, Michele Laubach, personally appeared Daniel S. Goldberger personally known to me (~~or proved to me on the basis of satisfactory evidence~~) to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.

[SEAL]



Michele Laubach  
Notary Signature

Application No.: 10/055,875  
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IN TESTIMONY WHEREOF, I hereunto set my hand and seal this 26<sup>th</sup> day of December, 2003.

Julian M. Cortella  
Julian M. Cortella

STATE OF California }  
COUNTY OF Alameda } ss.

On Dec. 26, 2003 before me, Michele Laubach, personally appeared Julian M. Cortella personally known to me (~~or proved to me on the basis of satisfactory evidence~~) to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.

[SEAL]



Michele Laubach  
Notary Signature

Application No.: 10/055,875  
Filing Date: January 21, 2002

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IN TESTIMONY WHEREOF, I hereunto set my hand and seal this 16 day of JAN, 2004.

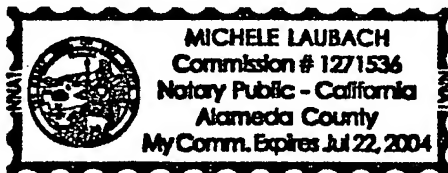
James R. Braig

STATE OF CALIFORNIA }  
COUNTY OF Alameda } ss.

On Jan. 16, 2004, before me, Michele Laubach, personally appeared James R. Braig personally known to me (~~or proved to me on the basis of satisfactory evidence~~) to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.

[SEAL]



Michele Laubach  
Notary Signature

Application No.: 10/055,875  
Filing Date: January 21, 2002

PATENT  
Client Code: OPTIS.039A  
Page 13 of 13

IN TESTIMONY WHEREOF, I hereunto set my hand and seal this 13<sup>th</sup> day of January, 2004

Peter Rule  
Peter Rule

STATE OF California }  
COUNTY OF Alameda } ss.

On Jan. 13, 2004, before me, Michèle Laubach, personally appeared Peter Rule personally known to me (~~or proved to me on the basis of satisfactory evidence~~) to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.

[SEAL]

Michèle Laubach  
Notary Signature

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